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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SCOTT MILLER and MICHAEL  
11 SPAULDING,

12 Plaintiffs,

13 v.

14 KSHAMA SAWANT and CITY OF  
SEATTLE,

15 Defendants.  
16

CASE NO. C18-506-MJP

ORDER GRANTING MOTION  
FOR RECONSIDERATION AND  
DISMISSING DEFENDANT CITY  
OF SEATTLE

17 THIS MATTER comes before the Court on the City of Seattle's Motion for  
18 Reconsideration (Dkt. No. 37) and the Plaintiff's Notice of Voluntary Dismissal (Dkt. No. 38).  
19 Having reviewed the Motion and the related record, including the Response to the Notice of  
20 Voluntary Dismissal (Dkt. No. 39), the Court hereby GRANTS the Motion for Reconsideration.

21 During its consideration of Defendant Sawant's Motion to Dismiss, the Court  
22 inadvertently overlooked the Notice of Joinder filed by Defendant City of Seattle. (See Dkt. No.  
23 25.) That Notice indicates the City's intent to seek dismissal of the derivative claims filed  
24

1 against it (i.e., defamation, defamation per se, federal defamation, and outrage claims) and at  
2 issue in Councilmember Sawant's Motion to Dismiss, but does not address the remaining  
3 retaliation claim against the City. Had the Court reviewed the Notice of Joinder before ruling on  
4 the Motion to Dismiss, it would have dismissed the derivative claims against the City with  
5 prejudice, while allowing the retaliation claim to proceed. Accordingly, the Court hereby  
6 amends its Order Granting the Motion to Dismiss (Dkt. No. 36) to include the following:


7 The Court GRANTS Defendant City of Seattle's Motion to Dismiss, and hereby  
8 dismisses *with prejudice* the defamation, defamation per se, federal defamation,  
9 and outrage claims brought against it. The remaining retaliation claim in this  
10 matter shall proceed solely against Defendant City of Seattle.

11 Shortly after the Motion for Reconsideration was filed, Plaintiffs filed a Notice of  
12 Voluntary Dismissal. (Dkt. No. 38.) That Notice indicates their intent to dismiss *without*  
13 *prejudice* "all claims" against the City of Seattle. However, as discussed above, the derivative  
14 claims should have been dismissed with prejudice, such that the only unresolved claim left for  
15 voluntary dismissal is the retaliation claim. Accordingly, pursuant to the Notice of Voluntary  
16 Dismissal, the Court hereby dismisses the retaliation claim *without prejudice*.

17 It is the Court's understanding that all remaining claims have been disposed of, and the  
18 case is now concluded. A judgment will follow accordingly.

19 The clerk is ordered to provide copies of this order to all counsel.

20 Dated March 18, 2019.

21   
22 Marsha J. Pechman  
23 United States District Judge  
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